

OLC 78-1609
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20 April 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Transmittal of CIA Documents to the House Select Committee on Assassinations (HSCA)

1. (C) Background: HSCA has requested certain documents from our files be transmitted to the Hill for executive session hearings involving current/former Agency officers. Presumably, the documents would be used to refresh the memory of witnesses. In addition, HSCA requests that a set of the same documents be transmitted to HSCA staff offices a few days prior to the hearings. HSCA assures that all documents will be safe-guarded and returned to us at the conclusion of the hearing.

2. (C) Position: Unsanitized CIA documents should not be transmitted to the Hill for hearings unless certain safeguards are provided and agreed to by HSCA as a condition for our release. Minimum safeguard conditions are:

A. (C) All documents should be couriered to the Hill prior to the hearing and retrieved afterwards.

COMMENT: No Agency representatives are permitted into the hearing room. Hence, the courier would deliver the material to the door. Whenever documents are used, we do arrange for a security sweep and monitoring of the room.

B. (C) All HSCA staff work in preparation for the hearing and which might require reference to the documents will be done at Headquarters by HSCA staff.

COMMENT: HSCA staff have been provided office space in Headquarters by DDO for reviewing files. This space could be used to prepare for hearings. However, HSCA advises that the staff usually work very late (10:00-11:00 p.m.) prior to hearings. As such, security services would have to be provided for this extended schedule.

Questions and answers prepared by the HSCA staff from the documents could be typed and copied at Headquarters building, sealed and delivered to the hearing room along with the documents the day of the hearing.

C. (C) No documents should be entered into the record (transcript).

COMMENT: The transcript of the hearing is the weakest link in the security chain. Currently, the cleared reporter takes the tape back - unescorted to Alderson offices at

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L'Enfant Plaza for transcribing. The original tape, one draft and two final copies are delivered back to HSCA. Immunized transcripts are classified and stored in an approved manner. Non-immunized transcripts are also stored in approved safes but are accessible to a GPO editor (cleared) who may send copies to Committee members for review. This latter process is a possible weak link and must be tightened - regardless of any decision to forward documents to the Hill.

At the termination of the HSCA resolution in 1979, all HSCA material (transcripts) should be safeguarded by forwarding to House Permanent Select Committee on Intelligence or National Archives. If HPSCI agrees to become a custodian, it must also agree to safeguard the material from release under Rule XI, but HSCA and HPSCI rules to avoid Rule XI are somewhat different and must be consolidated prior to this turnover. If National Archives becomes custodian, the basic Rule XI may apply since HSCA will be out of business. If this were the case, the material would be more readily available to future Members. The cleanest procedure is to prevent sources and methods from getting into the record initially.

D. (C) Discussions involving substance of documents shall be off-the-record.

COMMENT: When documents are used during hearings, they could be assigned exhibit numbers, cited by number in the record - not read into the record. They would be returned to us as exhibits at the conclusion of the hearing and retained for the future record in accordance with the Memorandum of Understanding. Discussions of sources and methods should be entirely off-the-record. The integrity of the investigation will not suffer since the entire document has been made available for HSCA investigators at Headquarters. As a final alternative, Members could be shown the documents, individually, and/or briefed on their content before a hearing.

E. (C) No documents shall be made available in situations involving a witness who does not hold a current clearance (former employees must be re-validated for access).

COMMENT: Technically, all people given access to classified material must hold a current clearance. In the case of retired Agency employees, that clearance must be re-validated by Office of Security.



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